

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,)	Civ. No. 08-5348 ADM/JSM
)	
Plaintiff,)	ORDER APPROVING THE
)	SALE OF REAL PROPERTY
vs.)	LOCATED AT THE
)	INTERSECTION OF BAY
Frank E. Vennes, Jr., <i>et al.</i> ,)	STREET AND HOGAN STREET
)	IN JACKSONVILLE, FLORIDA
Defendants.)	
)	

Upon consideration of THE STIPULATION, together with its Exhibits, by and between Plaintiff United States of America, Defendant Frank E. Vennes, Jr., Defendant Project Riverwatch, LLC (collectively, “Defendants”), and Receiver Gary Hansen (the “Receiver”) [Docket No. 726], who stipulate to the approval of the sale of the property located at the intersection of Bay Street and Hogan Street in Jacksonville, Florida (the “Property”), the Court finds:

1. The Property is located on the southeast corner of Bay Street and Hogan Street in Jacksonville, Florida and legally described in Exhibit A.
2. The Property is an irregular shaped lot and contains a total land area of 74,088 square feet. It is currently used as a surface parking lot.
3. Defendant Project Riverwatch, LLC acquired an interest in the Property in 2005 and the rest of the rights to the Property in 2008. Defendant Frank E. Vennes, Jr. is the sole manager of Defendant Project Riverwatch, LLC.
4. The Property has been marketed for sale since October 2008.
5. The Receiver and the potential purchaser signed a Purchase and Sale Agreement dated November 2, 2009 for the sale of the Property.

6. The Receiver has received two prior offers on the Property. In January 2009, the Receiver entered into a Letter of Intent for the sale of the Property, however, the Receiver and the other party were unable to agree on the terms of the sale and the Letter of Intent expired. In June 2009, the Receiver and a different potential purchaser entered into a purchase agreement for the sale of the property. During the due diligence period, however, the potential purchaser terminated the purchase agreement, in accordance with its rights under the purchase agreement. Other potential purchasers have expressed interest in the Property, but the Receiver has not entered into any other letters of intent or purchase agreements.

7. The Receiver retained an independent appraiser, Michael Harrell of CB Richard Ellis, to provide a Brokers Opinion of Value. Mr. Harrell provided an opinion of the value of the Property as of February 13, 2009, which the Court has reviewed.

8. The United States of America, Defendants and the Receiver agree that the sale is an arm's length transaction for fair market value and that the sale of the Property as stated in the Purchase and Sale Agreement should proceed.

9. There are no mortgages or other encumbrances on the Property.

Therefore, IT IS ORDERED that the sale of the Property under the terms of the Purchase and Sale Agreement is approved. The proceeds from the sale of the Property after payment of any settlement charges and closing costs will be paid to the Receiver at closing and deposited into the Receivership account.

IT IS FURTHER ORDERED that the Receiver has the power and authority to sell and convey the Property and the Receiver, or the attorney for the Receiver, is hereby

authorized to execute and deliver all deeds, bills of sale, closing statements, or other documents necessary to sell and convey the Property.

IT IS FURTHER ORDERED that the Stipulation filed under seal by and between Plaintiff United States of America, Defendant Frank E. Vennes, Jr., Defendant Project Riverwatch, LLC, and Receiver Gary Hansen [Docket No. 726] shall be unsealed 30 days after the closing of the sale of the Property.

IT IS SO ORDERED.

BY THE COURT:

s/Ann D. Montgomery

ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: November 19, 2009.

EXHIBIT A

DESCRIPTION OF REAL PROPERTY

GARAGE PARCEL (inclusive of parcels 3-5 and 8-11):

A portion of Water Lots 24, 25 and 26, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida, being more particularly described as follows:

For point of reference, commence at the Northeasterly corner of said Water Lot 24, said corner also being the Northeasterly corner of the lands described in Official Records Volume 7949, page 13, public records of said county, and the intersection of the Southerly right of way line of Bay Street, with the Westerly right of way line of Laura Street, and run Southerly, along said Westerly right of way line, and along said lands, a distance of 117.00 feet to the point of beginning.

From the point of beginning thus described, continue Southerly, along said right of way line, a distance of 9.85 feet to the Northeasterly corner of the lands described in Official Records Volume 7192, page 1030, said public records; run thence Westerly, along the Northerly boundary of said lands on a line making a deflection angle to the right of 90°09'00" with the preceding course, a distance of 141.07 feet to the Northwesterly corner of said lands; run thence Southerly, along the Westerly boundary of said lands, on a line making a deflection angle to the left of 90°09'00" with the preceding course, a distance of 193.15 feet to a point in the Northerly right of way line of Sister Cities Plaza, formerly known as Independent Drive or Water Street; run thence Westerly, along the Northerly right of way line of Sister Cities Plaza, on a line making a deflection angle to the right of 90°09'00" with the preceding course, a distance of 175.64 feet to its point of intersection with the Westerly right of way line of Hogan Street; run thence Northerly, along said Westerly right of way line, on a line making a deflection angle to the right of 89°51'00" with the preceding course, a distance of 320.00 feet to its point of intersection with the aforementioned Southerly right of way line of Bay Street; run thence Easterly, along said Southerly right of way line, on a line making a deflection angle to the right of 90°09'00", a distance of 211.13 feet to the Northwesterly corner of the aforementioned lands described in Official Records Volume 7949, page 13, said public records; run thence Southerly, along the Westerly boundary of said lands, on a line making a deflection angle to the right of 89°51'00", with the preceding course, a distance of 117.00 feet to the Southwesterly corner of said lands; run thence Easterly, along the Southerly boundary of said lands, on a line making a deflection angle to the left of 89°51'00" with the preceding course, a distance of 105.57 feet to the point of beginning. The land thus described 61,746 square feet, or 1.42 acres, more or less.

The above described lands are the same as those referred to as Parcel 3, 4, 5, 8, 9, 10 and 11, and described as follows:

Parcel 3:

The North 320 feet of the East 1/2 of Water Lot 26, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida.

Parcel 4:

The South 148.2 feet of the North 320 feet of the West 1/2 of Water Lot 26, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida.

Parcel 5:

The North 171.8 feet of the West 1/2 of Water Lot 26, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida.

Parcel 8:

The North 105.50 feet of Water Lot 25 (except the East 35.50 feet thereof), Hart's Map of Jacksonville, according to the former public records of Duval County, Florida.

Parcel 9:

A portion of Water Lot 25, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida, being more particularly described as follows:

For point of reference, commence at the Northeasterly corner of Water Lot 24, Hart's Map of Jacksonville, said corner also being the intersection of the Westerly right of way line of Laura Street, with the Southerly right of way line of Bay Street, and run Westerly along said Southerly right of way line, along the Northerly line of said Water Lots 24 and 25, a distance of 141.07 feet to the point of beginning of the lands to be described; run thence Southerly, on a line making an angle of 89°51'00" to the right of the preceding course, a distance of 105.50 feet to a point; run thence Easterly, on a line making an angle of 90°09'00" to the right of the preceding course, a distance of 35.50 feet to the Easterly line of said Water Lot 25; run thence Southerly along said lot line, on a line making an angle 90°09'00" to the left, of the preceding course, a distance of 21.35 feet to a point; run thence Westerly, on a line making an angle of 89°51'00" to the left of the preceding course, a distance of 35.50 feet to a point; run thence Southerly on a line making an angle of 89°51'00" to the right of the preceding course, a distance of 193.15 feet to a point on the Northerly right of way line of Independent Drive; run thence Westerly, along said right of way line, and on a line making an angle of 89°51'00" to the left of the preceding course, a distance of 70.07 feet to the Westerly line of the aforementioned Water Lot 25, run thence Northerly, along said lot line, making an angle of 90°09'00" to the left of the preceding course, a distance of 320.00 feet to the Northerly line of said Water Lot 25 and to the aforementioned Southerly right of way line of Bay Street; run thence Easterly, along said Northerly lot line and along said right of way line, making an angle of 89°51'00" to the left of the preceding course, a distance of 70.07 feet to the point of beginning.

Parcel 10:

The South 9.85 feet of the North 126.85 feet of Water Lot 24, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida, being more particularly described as follows:

For point of reference, commence at the Northeasterly corner of said Water Lot 24, said corner also being the intersection of the Southerly right of way line of Bay Street with the Westerly right of way line of Laura Street, and run Southerly, along the Easterly line of said Water Lot 24 and along said Westerly right of way line, a distance of 117.00 feet to the point of beginning of the lands to be described; thence continue Southerly, along said Westerly right of way line, a distance of 9.85 feet to a point, run thence Westerly on a line making an interior angle of $89^{\circ} 51'00''$ to the left of the preceding course, a distance of 105.57 feet to the Westerly line of said Water Lot 24; run thence Northerly, on a line making an interior angle of $90^{\circ}09'00''$ to the left of the preceding course, a distance of 9.85 feet to a point; run thence Easterly, on a line making an interior angle of $89^{\circ}51'00''$ to the left of the preceding course, a distance of 105.57 feet to the point of beginning.

Parcel 11:

The Easterly 35.50 feet of the Northerly 105.50 feet of Water Lot 25, Hart's Map of Jacksonville, according to the former public records of Duval County, Florida, being more particularly described as follows:

For point of reference, commence at the Northeasterly corner of Water Lot 24, said Hart's Map of Jacksonville, said corner also lying on the intersection of the Westerly right of way line of Laura Street with the Southerly right of way line of Bay Street, and run Westerly, along said Southerly right of way line, a distance of 105.57 feet to the Northeasterly corner of said Water Lot 25 and to the point of beginning; thence continue Westerly, along said right of way line, a distance of 35.50 feet to a point; run thence Southerly on a line making an interior angle of $89^{\circ}51'00''$ to the right of the preceding course, a distance of 105.50 feet to a point; run thence Easterly on a line making an interior angle of $90^{\circ}09'00''$ to the right of the preceding course, a distance of 35.50 feet to the Easterly line of said Water Lot 25; run thence Northerly, along said line making an interior angle of $89^{\circ}51'00''$ to the right of the preceding course, a distance of 105.50 feet to the point of beginning.

SISTER CITY PARCEL:

A parcel of land comprised of portions of Water Lots 25 and 26, Hart's Map of Jacksonville, Duval County, Florida, being more particularly described as follows:

For Point of Beginning, commence at a point in the Westerly line of said Water Lot 26, lying in the Easterly right of way line of Hogan Street, as now established, also being the Southwesterly corner of those lands described in Official Records Volume 9813, Page 1009, Current Public Records of said county and run South $14^{\circ}18'32''$ West, along said Westerly line of Water Lot 26 and along said Easterly right of way line, a distance of 133.86 feet to a point on the Northwesterly right of way line of Water Street (relocated), a variable width right of way, per Florida Department of Transportation Section Number 72070-2703; run thence along said Northwesterly right of way line the following courses: 1st Course, South $48^{\circ}27'05''$ East, a distance of 9.15 feet to a point on a curve; 2nd Course, Northeasterly, along the arc of a curve, concave Northwesterly and having a radius of 198.00 feet, an arc distance of 50.35 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $60^{\circ}02'44''$ East, 50.21 feet; 3rd Course, Northeasterly, along the arc of a curve, concave Southeasterly and having a radius of 262.00 feet, an arc distance of 64.56 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $59^{\circ}49'15''$ East, 64.40 feet; thence continue Northeasterly, along the arc of said curve, concave Southeasterly and having a radius of 262.00

feet, an arc distance of 131.73 feet to a point on the Easterly line of aforementioned Water Lot 25, said arc being subtended by a chord bearing and distance of North $81^{\circ}17'04''$ East, 130.35 feet; run thence North $14^{\circ}18'32''$ East, along said Easterly line, a distance of 7.48 feet to a point in the Southerly boundary of those lands described in Official Records Volume 8913, Page 1711, said public records; run thence North $75^{\circ}51'01''$ West, along the Southerly boundary line of last said lands and the aforementioned lands described in Official Records Volume 9813, Page 1009, a distance of 210.00 feet to the Point of Beginning.